

Notice of Allowability

Application No.

10/757,068

Examiner

Charles I Boyer

Applicant(s)

SCHEPER, WILLIAM MICHAEL

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicants' preliminary amendment received May 17, 2004.
2. ☒ The allowed claim(s) is/are 24-50.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 05/17/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 05/17/04
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



Charles I Boyer
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Caroline Wei-berk on May 17, 2004. The application has been amended as follows:

Claims 1-23 (canceled)

24. (new) A method for treating a fabric article in need of treatment comprising the step of exposing the fabric article with a fabric care composition comprising more than about 50% by weight of the composition of a lipophilic fluid and a softening agent, such that the fabric article is treated; wherein the lipophilic fluid is selected from the group consisting of a linear siloxane, a cyclic siloxane and mixtures thereof; and the softening agent is selected from the group consisting of triethanolamine esterified with carboxylic acids and quaternized; cationic diester; 1,2 dihydroxy 3 trimethylamino propane chloride; betaine esters of long chain Guerbet alcohols; cyclic polyols; reduced saccharides; tertiary amine/esterquat combinations; tertiary amide/esterquat amino combinations; amido esterquats; cationic and oily sugar derivatives; ester quats; polyamine derivatives; and mixtures thereof.
25. (new) A method according to Claim 24 wherein the lipophilic fluid comprises a cyclic siloxane selected from the group consisting of octamethylcyclotetrasiloxane, decamethylcyclopentasiloxane, dodecamethylcyclohexasiloxane, and mixtures thereof.
26. (new) A method according to Claim 24 wherein the lipophilic fluid comprises decamethylcyclopentasiloxane.
27. (new) A method according to Claim 24 wherein the composition further comprises a polar phase selected from the group consisting of water, alcohol, and mixtures thereof.
28. (new) A method according to Claim 27 wherein the polar phase comprises from about 0.1% to about 5% by weight of composition of water.
29. (new) A method according to Claim 24 comprising the additional step of exposing the fabric article to an emulsifier.
30. (new) A method according to Claim 24 wherein the method occurs at less than about 80° C.

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31. (new) A fabric care composition comprising more than about 50% by weight of the composition of a lipophilic fluid selected from the group consisting of a linear siloxane, a cyclic siloxane and mixtures thereof; and a softening agent selected from the group consisting of a softening agent selected from the group consisting of triethanolamine esterified with carboxylic acids and quaternized; cationic diester; 1,2 dihydroxy 3 trimethylamino propane chloride; betaine esters of long chain Guerbet alcohols; cyclic polyols; reduced saccharides; tertiary amine/esterquat combinations; tertiary amide/esterquat amino combinations; amido esterquats; cationic and oily sugar derivatives; ester quats; polyamine derivatives; and mixtures thereof.
32. (new) A composition according to Claim 31 wherein the lipophilic fluid comprises a cyclic siloxane selected from the group consisting of octamethylcyclotetrasiloxane, decamethylcyclopentasiloxane, dodecamethylcyclohexasiloxane, and mixtures thereof.
33. (new) A composition according to Claim 31 wherein the lipophilic fluid comprises decamethylcyclopentasiloxane.
34. (new) A composition according to Claim 31 wherein the composition further comprises a polar phase selected from the group consisting of water, alcohol, and mixtures thereof.
35. (new) A composition according to Claim 34 wherein the polar phase comprises from about 0.1% to about 5% by weight of composition of water.
36. (new) A method for treating a fabric article in need of treatment comprising the step of exposing the fabric article with a fabric care composition comprising more than about 10% by weight of the composition of a lipophilic fluid and a fabric care active, such that the fabric article is treated; wherein the lipophilic fluid is selected from the group consisting of a linear siloxane, a cyclic siloxane and mixtures thereof; and the fabric care active is selected from the group consisting of oxidized polyethylene, sulfated castor oil, polyacrylamides, squalene, paraffin, styrene-isoprene polymers, styrene-butadiene polymers, arabinogalactans, isomaltosuccinamides, natural cottonseed extracts, cationic polyamide/epichlorohydrin resin, nonionic polyhydric alcohols, polyacrylate/dihydroxyethylurea, N-alkoxy/and chitin/chitosan, cellulose monoacetate, cationic polyamine/epichlorohydrin, polysaccharide gums, polysaccharide/cellulose ester, propylene diamine polymer derivatives, lysine caprolactam polymers, cellulose ethers, lysine/amine or adipic acid copolymers, carhamoyl sulfonate

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- terminated block isocyanates, polylysines, phosphonate terminated polyacrylates, and mixtures thereof.
37. (new) A method according to Claim 36 wherein the lipophilic fluid comprises a cyclic siloxane selected from the group consisting of octamethylcyclotetrasiloxane, decamethylcyclopentasiloxane, dodecamethylcyclohexasiloxane, and mixtures thereof.
38. (new) A method according to Claim 36 wherein the lipophilic fluid comprises decamethylcyclopentasiloxane.
39. (new) A method according to Claim 36 wherein the composition further comprises a polar phase selected from the group consisting of water, alcohol, and mixtures thereof.
40. (new) A method according to Claim 39 wherein the polar phase comprises from about 0.1% to about 5% by weight of composition of water.
41. (new) A method according to Claim 36 comprising the additional step of exposing the fabric article to an emulsifier.
42. (new) A method according to Claim 36 wherein the method occurs at less than about 80° C.
43. (new) A fabric care composition comprising
more than about 50% by weight of the composition of a lipophilic fluid selected from the group consisting of a linear siloxane, a cyclic siloxane and mixtures thereof, and
a fabric care active selected from the group consisting of oxidized polyethylene, sulfated castor oil, polyacrylamides, squalene, paraffin, styrene-isoprene polymers, styrene butadiene polymers, arabinogalactans, isomaltosuccinamides, natural cotyledon extracts, cationic polyamide/epichlorohydrin resin, nonionic polyhydric alcohols, polyacrylate/dihydroxyethylurea, N-alkoxylated chitin/chitosan, cellulose monoacetate, cationic polyamine/epichlorohydrin, polysaccharide gums, polysaccharide/cellulose ester, propylene diamine polymer derivatives, lysine caprolactam polymers, cellulose ethers, lysine/amine or adipic acid copolymers, carbamoyl sulfonate terminated block isocyanates, polylysines, phosphonate terminated polyacrylates, and mixtures thereof.

44. (new) A composition according to Claim 43 wherein the lipophilic fluid comprises a cyclic siloxane selected from the group consisting of octamethylcyclotetrasiloxane, decamethylcyclopentasiloxane, dodecamethylcyclohexasiloxane, and mixtures thereof.
45. (new) A composition according to Claim 43 wherein the lipophilic fluid comprises decamethylcyclopentasiloxane.
46. (new) A composition according to Claim 43 wherein the composition further comprises a polar phase selected from the group consisting of water, alcohol, and mixtures thereof.
47. (new) A composition according to Claim 46 wherein the polar phase comprises from about 0.1% to about 5% by weight of composition of water.
48. (new) A fabric care composition comprising:
more than about 50% by weight of the composition of a lipophilic fluid selected from the group consisting of a linear siloxane, a cyclic siloxane and mixtures thereof; and
a fabric care active selected from the group consisting of amber, musk, chlorosalicylanilide, polypeptides, benzylalkylammonium, zinc PTU, climbazole, cyclohexyl esters, alkoxy disulfides, bromofuranones, and mixtures thereof.
49. (new) A composition according to Claim 48 wherein the composition further comprises a polar phase selected from the group consisting of water, alcohol, and mixtures thereof.
50. (new) A composition according to Claim 49 wherein the polar phase comprises water and the lipophilic fluid comprises decamethylcyclopentasiloxane.

1. The following is an examiner's statement of reasons for allowance: Applicants have claimed a method for treating a fabric in need of treatment comprising the step of exposing the fabric article with a specific fabric care active-containing composition comprising more than about 50% by weight of the composition of a siloxane lipophilic fluid. The prior art teaches drycleaning compositions with decamethylcyclopentasiloxane, however, the specific combination of fabric actives and siloxane is not taught by the prior art. Accordingly, the present claims are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script that reads "Charles I Boyer".

Charles I Boyer
Primary Examiner
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